

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE MOBILNET	)	
INCORPORATED FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A PERSONAL	)	
COMMUNICATIONS SERVICE FACILITY IN THE	)	
CINCINNATI-DAYTON MAJOR TRADING AREA	)	CASE NO. 96-459
("MTA") WHICH INCLUDES BOONE, KENTON,	)	
CAMPBELL, GALLATIN, GRANT, PENDLETON,	)	
BRACKEN, MASON, LEWIS, GREENUP, CARTER,	)	
BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN,	)	
FLOYD, AND PIKE COUNTIES, KENTUCKY ("KY	)	
NO. 0238/GROGAN FACILITY")	)	

O R D E R

On September 23, 1996, GTE Mobilnet Incorporated ("GTE Mobilnet") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a personal communications service facility in the Cincinnati-Dayton Major Trading Area ("Cincinnati-Dayton MTA"). The application was amended on January 10, 1997. The proposed facility consists of a monopole antenna tower not to exceed 135 feet in height, with attached antennas, to be located at the point Old KY Route 18 dead ends into Route 237, Burlington, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 1' 17.54" by West Longitude 84° 42' 2.79".

GTE Mobilnet has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, GTE Mobilnet has notified the Boone County Planning Commission of the proposed construction. The Planning Commission filed several letters objecting to the proposed construction but declined to intervene in this proceeding. GTE Mobilnet has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

GTE Mobilnet has filed notices verifying that each person who owns property or resides within 500 feet of the proposed facility has been notified of the pending construction. The notices solicited any comments and informed the property owners and residents of their right to intervene. In addition, GTE Mobilnet has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. The Commission received comments from one nearby property owner regarding the proposed construction. As ordered, GTE Mobilnet responded in writing to the property owner's concerns and under separate letter the Commission notified the property owner of his right to request intervention and a hearing if GTE Mobilnet's response did not satisfy the concerns. To date, no further comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, GTE Mobilnet should

notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by GTE Mobilnet.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that GTE Mobilnet should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed facility in the Cincinnati-Dayton MTA under its currently approved tariff.

IT IS THEREFORE ORDERED that:

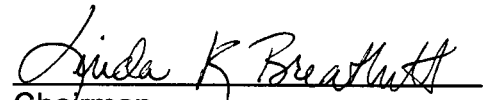
1. GTE Mobilnet is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 135 feet in height, with attached antennas, to be located at the point Old KY Route 18 dead ends into Route 237, Burlington, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 1' 20.7" by West Longitude 84° 42' 2.34".

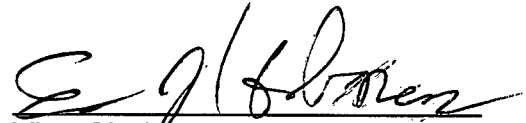
2. GTE Mobilnet shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.


3. GTE Mobilnet shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 24th day of January, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director